

TESTIMONY OF JOHN DEL VECCHIO BEFORE THE LABOR & PUBLIC EMPLOYEES
COMMITTEE PUBLIC HEARING 1/30/07

MY NAME IS JOHN DEL VECCHIO. I AM THE WORKERS' COMPENSATION ORGANIZER FOR DISTRICT 1199, NEW ENGLAND HEALTH CARE EMPLOYEES UNION, WHICH REPRESENTS 20,000 CONNECTICUT WORKERS EMPLOYED IN PUBLIC AND PRIVATE MENTAL RETARDATION AND MENTAL HEALTH FACILITIES, HOSPITALS, NURSING HOMES, AMBULANCE SERVICES, STATE CORRECTIONAL FACILITIES, AND OTHER HEALTHCARE FACILITIES.

OUR MEMBERS WORK IN SOME OF THE MOST DANGEROUS OCCUPATIONS IN THE STATE, AND AS A RESULT, OUR UNION IS INVOLVED IN HUNDREDS OF WORKERS' COMPENSATION CASES EVERY YEAR. I REPRESENT OUR INJURED MEMBERS AT INFORMAL, PREFORMAL AND FORMAL HEARINGS BEFORE THE WORKERS' COMPENSATION COMMISSION.

THERE HAVE BEEN NUMEROUS INSTANCES WHERE INJURED EMPLOYEES WITH ACCEPTED CASES HAVE REACHED MAXIMUM MEDICAL IMPROVEMENT AND BEEN RATED FOR PERMANENT DISABILITY, YET THE INSURER OR SELF-INSURED EMPLOYER DID NOT COMMENCE PAYMENT OF PERMANENT PARTIAL DISABILITY BENEFITS IN THE TIME FRAME ALLOWED BY LAW, OR IN SOME CASES, NOT AT ALL.

THE PROVISIONS OF SENATE BILL 172 WOULD PREVENT THIS TYPE OF OVERSIGHT ON THE PART OF INSURERS AND SELF-INSURED EMPLOYERS, AND ASSURE THE CLAIMANTS RECEIVE THE BENEFITS THAT THE LAW PROVIDES FOR IN A TIMELY MANNER.

IT WOULD ALSO HELP ELIMINATE SITUATIONS WHERE INSURERS AND SELF-INSURED EMPLOYERS END UP PAYING SIGNIFICANT INTEREST PENALTIES ONCE THEIR OVERSIGHT HAS BEEN DISCOVERED. I REPRESENTED AN EMPLOYEE OF THE STATE DEPARTMENT OF MENTAL RETARDATION WHO SUSTAINED BACK AND SHOULDER INJURIES IN 1997. HE WAS GIVEN PERMANENCY RATINGS FOR BOTH INJURIES IN 2000, BUT THE PERMANENCY BENEFITS NEVER COMMENCED UNTIL AFTER I STARTED REPRESENTING HIM LATE IN 2002. BY THE TIME THE PERMANENCY ISSUE WAS RESOLVED IN MAY OF 2003, THE CLAIMANT RECEIVED THE BENEFITS DUE PLUS \$7,000 IN INTEREST PENALTIES.

OUR UNION ALSO SUPPORTS SENATE BILL 187, WHICH WOULD REQUIRE THAT EMPLOYERS NOTIFY AN EMPLOYEE CLAIMING A WORK INJURY IN WRITING, OF THE AVAILABILITY OF WORKERS' COMPENSATION. THIS WOULD HELP AVOID CONFUSION AND MISUNDERSTANDING ON THE PART OF INJURED EMPLOYEES, MANY OF WHOM HAVE NO IDEA AS TO WHAT ROLE WORKERS' COMPENSATION SHOULD HAVE REGARDING THEIR INJURIES.

WE REPRESENT ALMOST 7,000 CONNECTICUT NURSING HOME EMPLOYEES IN ALL AREAS OF THE STATE. MANY OF THESE EMPLOYEES ARE IMMIGRANTS WITH LANGUAGE LIMITATIONS AND LITTLE OR NO KNOWLEDGE ABOUT WORKERS' COMPENSATION.

UNLESS THE EMPLOYER SPECIFICALLY INFORMS THEM ABOUT WORKERS' COMPENSATION--
AND MANY EMPLOYERS DO NOT---THEY ARE AT A LOSS AS TO WHAT TO DO. THEY MAY
END UP PROCESSING THEIR LEGITIMATE WORK INJURY THROUGH GROUP INSURANCE OR
NOT AT ALL. THEY MAY BE DISABLED FROM WORK AND NOT REALIZE THEIR
ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS. IN THE PAST 12 YEARS AS
1199'S WORKERS' COMPENSATION ORGANIZER, I HAVE DISCOVERED SITUATIONS LIKE
THIS ON NUMEROUS OCCASIONS. OFCOURSE I TRY TO RECTIFY THE SITUATIONS THAT
I DISCOVER, BUT THERE ARE PROBABLY MANY MORE THAT NEVER COME TO MY
ATTENTION. SENATE BILL 187 WOULD HELP PREVENT SUCH SITUATIONS FROM
HAPPENING IN THE FIRST PLACE.